

EXHIBIT 30

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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
17 **SOUTHERN DIVISION**

18 MASIMO CORPORATION,
a Delaware corporation, and
19 CERCACOR LABORATORIES, INC.,
a Delaware corporation,

20 Plaintiffs,

21 v.

22 APPLE INC.,
a California corporation,

23 Defendant.

CASE NO. 8:20-cv-00048-JVS (JDEx)

**DECLARATION OF ILISSA SAMPLIN
IN SUPPORT OF DEFENDANT APPLE
INC.'S PORTION OF JOINT
STIPULATION REGARDING
PLAINTIFFS' MOTION FOR A
PROTECTIVE ORDER**

Judge: Hon. John D. Early

Hr'g Date/Time: July 23, 2020, 10 a.m.
Courtroom: 6A

Discovery Cutoff: July 5, 2021
Pre-Trial Conference: March 21, 2022
Trial: April 5, 2022

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Attorneys for Defendant Apple Inc.

1 I, Ilissa Samplin, declare and state as follows:

2 1. I am an attorney duly licensed to practice law before this Court and all
3 courts of the State of California. I am a partner with the law firm of Gibson, Dunn &
4 Crutcher LLP (“Gibson Dunn”) and counsel of record for Apple Inc. (“Apple”) in the
5 above-captioned action. I make this declaration in support of Apple’s portion of the
6 Joint Stipulation Regarding Plaintiffs’ Motion for a Protective Order (the “Joint
7 Stipulation”). I have personal, firsthand knowledge of the facts stated herein and, if
8 called upon to do so, could and would competently testify thereto.

9 2. Attached hereto as **Exhibit A** is a true and correct copy of the Protective
10 Order that Apple requests the Court enter in the above-captioned action.

11 3. On March 10, 2020, the Court entered in the above-captioned action the
12 Initial Order Following Filing of Complaint Assigned to Judge Selna (“Initial Order”).
13 In the Initial Order, Judge Selna directed the parties to review “[c]opies of Judge Selna’s
14 orders that may have specific application to this case,” including the “Order Setting Rule
15 26(f) Scheduling Conference,” which is “available on the Central District of California
16 website.” A true and correct copy of the Initial Order is attached hereto as **Exhibit B**.
17 A true and correct copy of the Order Setting Rule 26(f) Scheduling Conference, available
18 on Judge Selna’s Procedures and Schedules website, located at
19 <https://www.cacd.uscourts.gov/honorable-james-v-selna> (last visited June 24, 2020), is
20 attached hereto as **Exhibit C**.

21 4. A true and correct copy of the United States District Court for the Northern
22 District of California’s Model Protective Order for Litigation Involving Patents, Highly
23 Sensitive Confidential Information and/or Trade Secrets, available at
24 [https://www.cand.uscourts.gov/wp-content/uploads/forms/model-protective-](https://www.cand.uscourts.gov/wp-content/uploads/forms/model-protective-orders/ND_Cal_Patent_Highly_Sensitive_Model_Prot_Ord_Revised.docx)
25 [orders/ND_Cal_Patent_Highly_Sensitive_Model_Prot_Ord_Revised.docx](https://www.cand.uscourts.gov/wp-content/uploads/forms/model-protective-orders/ND_Cal_Patent_Highly_Sensitive_Model_Prot_Ord_Revised.docx) (last visited
26 June 24, 2020), is attached hereto as **Exhibit D**.

By: /s/ Ilissa Samplin
Ilissa Samplin

Exhibit A

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

MASIMO CORPORATION,
a Delaware corporation; and
CERCACOR LABORATORIES, INC.,
a Delaware corporation,

Plaintiffs,

v.

APPLE INC.,
a California corporation,

Defendant.

CASE NO. 8:20-cv-00048-JVS (JDEx)

**STIPULATION AND [PROPOSED]
PROTECTIVE ORDER**

1 will be given access to Protected Material, the person shall be deemed approved
2 under this Protective Order. There shall be no disclosure of Protected Material
3 to the person prior to expiration of this fourteen (14) day period. If an objection
4 is received within that fourteen (14) day period, the Parties agree to meet and
5 confer within seven (7) days following the objection and to use good faith to
6 resolve any such objection. If the Parties are unable to resolve any objection,
7 the objecting Party shall serve on the other Party a Joint Stipulation pursuant to
8 Local Rule 37-2.1 within seven (7) days of the meet and confer. The objecting
9 Party shall have the burden of proving the need for a protective order. No
10 disclosure shall occur until all such objections are resolved by agreement or
11 Court order;

12 (d) the court and its personnel;

13 (e) court reporters, videographers, and their staff;

14 (f) professional jury or trial consultants, mock jurors, and
15 Professional Vendors to whom disclosure is reasonably necessary for this
16 Action and who have signed the "Acknowledgment and Agreement to Be
17 Bound" (Exhibit A);

18 (g) the author, recipient, or custodian of a document containing the
19 information, or any other individual who appears to have had access to
20 the specific information at issue based on the face of the document, the
21 document's metadata, other documents, or sworn witness testimony;

22 (h) any mediators or settlement officers and their supporting
23 personnel, mutually agreed upon by any of the parties engaged in settlement
24 discussions; and

25 (i) any other person with the prior written consent of the Producing
26 Party.

27 9.3. Disclosure of "HIGHLY CONFIDENTIAL – ATTORNEYS'
28 EYES ONLY" Information or Items. Unless otherwise ordered by the court or

1 permitted in writing by the Designating Party, a Receiving Party may disclose
2 any information or item designated “HIGHLY CONFIDENTIAL –
3 ATTORNEYS’ EYES ONLY” only to the individuals identified in Paragraphs
4 9.2 (a), (c)-(i), provided that such Outside Counsel under Paragraph 9.2(a) is not
5 involved in competitive decision-making, as defined by *U.S. Steel v. United*
6 *States*, 730 F.2d 1465, 1468 n.3 (Fed. Cir. 1984), on behalf of a Party or a
7 competitor of a Party and such proposed Outside Counsel did not, at the time
8 the lawsuit was filed or within the previous two (2) years from the date the
9 lawsuit was filed, have a business or ownership interest in a Party (i.e., was not
10 a Board member, Director, officer, employee, or hold a title with a Party).
11 Additionally, whether Plaintiffs’ trade secret disclosure under California Code
12 of Civil Procedure Section 2019.210 is designated “CONFIDENTIAL” or
13 “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” access to said disclosure
14 shall be permitted for three (3) Apple House Counsel.

15 10. PROSECUTION BAR

16 Plaintiffs’ Language: Absent written consent from the Producing Party,
17 any individual who receives access to “CONFIDENTIAL,” “HIGHLY
18 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY
19 CONFIDENTIAL – SOURCE CODE” information shall not be involved,
20 directly or indirectly, in the (i) prosecution of patents or patent applications
21 relating to non-invasive physiological monitoring, including without limitation
22 the patents at issue in this action and any patent or application claiming priority
23 to or otherwise related to the patents at issue in this action, before any foreign or
24 domestic agency, including the United States Patent and Trademark Office (“the
25 Patent Office”) or (ii) the acquisition of patents (including patent applications),
26 or the rights to any such patents or patent applications with the right to
27 sublicense, relating to the functionality, operation, and design of non-invasive
28 physiological monitoring technologies. For purposes of this Paragraph,

1 “prosecution” means advising on, consulting on, preparing, prosecuting,
2 drafting, editing, and/or amending of patent applications, specifications, claims,
3 and/or responses to office actions, or otherwise affecting the scope of claims in
4 patents or patent applications relating to the functionality, operation, and design
5 of non-invasive physiological monitoring technologies (generally or as
6 described in any patent in suit), before any foreign or domestic agency,
7 including the United States Patent and Trademark Office;. To avoid any doubt,
8 “prosecution” as used in this Paragraph does not include providing patent
9 prosecution counsel with public information to submit to the Patent Office.
10 “Prosecution” as used in this Paragraph also does not include representing a
11 party before a domestic or foreign agency in a patent challenge (including, but
12 not limited to, a reissue protest, *ex parte* reexamination, *inter partes*
13 reexamination, *inter partes* review, covered business method review, post-grant
14 review or other patent office proceedings in the United States or elsewhere on
15 behalf of a patentee but only if no amendments to the claims are made to the
16 patent or patent application by anyone during that process. If an individual that
17 has had access to “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL –
18 ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE
19 CODE” information and participates in a reissue protest, *ex parte*
20 reexamination, *inter partes* reexamination, *inter partes* review, covered business
21 method review, post-grant review, or other patent office proceedings in the
22 United States or elsewhere on behalf of a patentee, the claims of the patent
23 involved in such proceedings may not be amended by anyone without violating
24 this protective order. These prohibitions are not intended to and shall not
25 preclude counsel from participating directly or indirectly in proceedings on
26 behalf of a Party challenging the validity of any patent. This Prosecution Bar
27 shall begin when access to “HIGHLY CONFIDENTIAL – ATTORNEYS’
28 EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE”

ATTESTATION REGARDING SIGNATURES

I, Joshua H. Lerner, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: June __, 2020

By: /s/ DRAFT

Joshua H. Lerner